



STATE OF DELAWARE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY
COUNCIL ON POLICE TRAINING
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DRAFT

C.O.P.T. MEETING MINUTES

Tuesday, April 16, 2019

1030 hours

Delaware State Police Academy
Route 13, Dover, Delaware State Police

I. Call to Order:

The April 16, 2019 meeting of the Council on Police Training was called to order by Chairman Robert Coupe at 1034 hours.

II. Roll Call:

MEMBERS

Secretary Robert M. Coupe, Chairman
Mr. Robert Irwin – Proxy for Kathleen Jennings, Attorney General
Secretary Susan Bunting, Department of Education
Major Robert Hudson II – Proxy for Colonel Nathaniel McQueen Jr., Delaware State Police
Inspector Cecilia Ashe – Proxy for Chief Robert Tracy, Wilmington Police Department
Captain Diane Smith – Proxy for Chief Vaughn Bond – New Castle County Police Department
Chief Marvin Mailey, Dover Police Department
Sergeant Christopher Jones – Proxy for Chief Paul Tiernan, Newark Police Department
Mayor Lew Killmer, Delaware League of Local Governments
Mayor Robin Christiansen, City of Dover
Mr. Jeffrey Horvath, Proxy for Chief Marvin Mailey Chairman of Police Chief's Council

ADMINISTRATOR

Captain Jennifer D. Griffin, Delaware State Police

LEGAL COUNSEL

DAG Joseph Handlon, Department of Justice

GUESTS

Chief Marc Whitney, Camden Police Department
Chief Carl Hutson, Clayton PD
Chief Danny Wright, Laurel Police Department
Chief Robert Kracyla, Middletown PD
Chief Mark Wohner, Newport Police Department

Chief Richard McCabe, New Castle City Police Department
Chief Kenneth McLaughlin, Ocean View Police Department
Chief Scott Collins, Selbyville PD
Capt. Douglas Messick, Delaware Natural Resources Police – Fish & Wildlife
Captain Tashawn Counts, Wilmington Police Department
Assistant State Fire Marshal Michael Chionchio, Office of the State Fire Marshal
Lieutenant James Azato, Lewes Police Department
Lieutenant Michael Downs, Capitol PD
Sgt. Jeffrey Gates, University of Delaware PD
Cpl. Carolyn Lund, University of Delaware PD
Cpl. Tyler Wright, Delaware State Police
Officer Casey Crapps, Lewes Police Department
Officer Tyler Bryan, Laurel Police Department
Mr. Steven Rust, Sussex Technical High School

III. Review and approval of January 22, 2019, C.O.P.T. meeting minutes

The January 22, 2019 C.O.P.T. meeting minutes were emailed to the members of the Council in advance for review. Hearing no objections, Chairman Coupe entertained a motion to approve the minutes as presented. Motion to approve by Mayor Killmer, and seconded by Capt. Smith. Motion carried unanimously, without dissent.

IV. Decertification of Officers:

1. Administrative Decertification:

a. Shawn Mock, Delaware State Police

Captain Griffin summarized the Findings of Fact surrounding the termination of Shawn Mock. After he had a DSP trial board with recommended termination, which was upheld by Colonel McQueen, and later approved by Secretary Robert Coupe. It was noted that Shawn Mock signed for the certified mailing notifying him of his right to request a Decertification Hearing; however, a response was not received. Chairman Coupe entertained a motion to administratively decertify Shawn Mock due to his failure to request a C.O.P.T Decertification Hearing. Motion to decertify by Mr. Irwin, and seconded by Mr. Horvath. Motion carried with 1 abstention (Major Hudson, DSP).

b. William Yeldell, Delaware State Police

Captain Griffin summarized the Findings of Fact surrounding the resignation of William Yeldell, who was under investigation at the time of his resignation. It was noted that Yeldell signed for the certified mailing notifying him of his right to request a Decertification Hearing, however a response was not received. Chairman Coupe entertained a motion to administratively decertify William Yeldell due to his failure to request a C.O.P.T. Decertification Hearing. Motion to decertify by Chief Mailey, and seconded by Secretary Bunting. Motion carried with 1 abstention (Major Hudson, DSP).

c. Michael Capriglione, Newport Police Department

Captain Griffin summarized the Findings of Fact surrounding the change of status form and criminal case of Michael Capriglione. It was noted that Capriglione's lawyer was advised of his right to a decertification hearing to which he responded by that Capriglione was not requesting a decertification hearing. Chairman Coupe entertained motion to

administratively decertify Michael Capriglione. Motion to decertify by Mr. Horvath, and seconded by Mayor Christiansen. Motion carried without dissent.

2. Hearing Decertification:

a. Troy Mayer, New Castle County Police Department

Captain Smith summarized the case surrounding the termination of Troy Mayer, which involved interference with a criminal case. The recommendation of the hearing board was to suspend Mayer's certification for one year, effective from the date of discharge (June 28, 2018). Chairman Coupe entertained a motion to uphold the recommendation of the hearing board. Hearing none, Mr. Horvath advised that he wished to make a comment based on the hearing board. Mr. Horvath advised that it was the opinion of the hearing board that the incident was a training issue rather than a blatant disregard for procedure, nor did they feel that Mayer was attempting to interfere with the case in order to better his career and therefore they could not recommend to decertify. Chairman Coupe again entertained a motion to uphold the recommendation of the hearing board. Motion to suspend Mayer's certification for one year, effective June 28, 2018, and seconded by Mr. Irwin. Motion carried with 9 in favor (Coupe, Irwin, Bunting, Hudson, Ashe, Mailey, Jones, Killmer, and Horvath), 1 opposed (Christiansen), and 1 abstention (Smith).

Post Motion Commentary: Mr. Horvath reiterated that this recommendation appears to have been contentious but the only information that the Decertification Board can act upon is that which is given to them. It is highly recommended that all agencies do their due diligence with providing information to the Decertification Board if they wish it to be considered.

b. Wagner Matos, Laurel Police Department

Captain Griffin summarized the case surrounding the resignation of Wagner Matos. It was noted that Matos provided a full statement admitting to several areas of misconduct; however, he resigned prior to a LEOBOR hearing with Laurel P.D. On December 5, 2018 the C.O.P.T. hearing board recommended decertification. Chairman Coupe entertained a motion to decertify Wagner Matos based on the recommendation of the hearing board. Motion to decertify by Mr. Irwin, and seconded by Chief Mailey. Motion carried, without dissent.

V. Certification of Firearms Instructors:

The following officers completed Certified Firearms Training on January 7-11, 2019, which was hosted by the Delaware State Police Firearms Training Unit:

- Aviola, Jason – Delaware State Police
- Bauer, Jason – Laurel Police Department
- Brennan, William – Delaware State Police
- Dean, Brock – Delaware State Police
- Eby, Daniel – Delaware State Police
- Gaffney, Gregory – Delaware State Police
- Garibaldi, Daniel – University of Delaware Police Department
- Meadows, Alison – Delaware State Police
- Ruquet, Kirk – Smyrna Police Department
- Russell, Marc – Seaford Police Department

- Skinner, John – Delaware State University Police Department
- Tartal, Raymond – Delaware State Police
- Wood, James – Dover Police Department

Chairman Coupe entertained a motion to approve the aforementioned as Certified Firearms Instructors. Motion to approve by Chief Mailey, and seconded by Mr. Irwin. Motion carried without dissent.

VI. Certification of Certified Instructors:

The following completed Certified Instructors Training on January 29 – February 2, 2018, which was hosted by the Delaware State Police and instructed by Corporal Justin Norman:

- Glasco, Eric – Delaware State Police
- Sebastianelli, Edward – Delaware State Police
- Larney, Edward – Delaware State Police
- Wright, Tyler – Delaware State Police
- Smith, Caroline – Delaware State Police
- Pixley, Brian – Delaware State Police
- Cocolin, Owen – Delaware State Police
- Deflaviis, Daniel – Delaware State Police
- Harris, Bridgett – Delaware State Police
- Saylor, William – Delaware State Police
- Weaver, Scott – Delaware State Police
- Aviola, Jason – Delaware State Police
- Huynh, David – Delaware State Police
- Rindone, Steven – Delaware State Police
- Lister, John – Delaware Natural Resources Police, Parks & Recreation
- Burridge, Randall – Delaware Natural Resources Police, Parks & Recreation
- Barker, Leland – University of Delaware Police Department
- Champion, Kennita – Wilmington Police Department

The following completed Certified Instructors Training on October 29 – November 2, 2018, which was hosted by the Delaware State Police and instructed by Master Corporal Andrew Partyka:

- Bauer, Jason – Laurel Police Department
- Berry, Dana – Delaware State Police
- Brennan, William – Delaware State Police
- Dashiell, Luther – Delaware River and Bay Authority
- DeMalto, Leonard – Delaware State Police
- Devenney, Sean – Delaware State Police
- Eby, Daniel – Delaware State Police
- Ford, Thomas – Delaware State Police
- Fox, Robert – Wilmington Police Department
- Gibbs-Mullen, Philana – Delaware State Police
- Hastings, Jennifer – Delaware State Police
- Lilley, Michael – Delaware State Police
- Marsch, Leonard – Lewes Police Department
- Mitchell, Brooke – Delaware Natural Resources Police, Fish and Wildlife
- Payne, Michael – Delaware State Police
- Redgraves, David – Delaware Natural Resources Police, Parks & Recreation

- Weinstein, Michael – Delaware State Police
- Wyatt, Tiffany – Milford Police Department

The following completed Certified Instructors Training on January 28 – February 1, 2019, which was hosted by the Delaware State Police and instructed by Master Corporal Timothy Kerstetter:

- Brent, Michael - Delaware State Police
- Burris, Tristin – Delaware State Police
- Callini, Jessica – Delaware State Police
- Conkey, Brian – Wilmington Police Department
- Dear, Joshua – Delaware State Police
- Jones, Andrew – Delaware State Police
- Kobetis, Alex – Delaware State Police
- Lipp, Michael – Delaware State Police
- Lloyd, Amy – Delaware State Police
- Magda, Cheri – Delaware State Police
- McDerby, Brian – Delaware State Police
- Mitchell, Andrew – Delaware State Police
- Penrod, John – Delaware State Police
- Satterfield, Marc – Wilmington Police Department
- Shughart, Tina – New Castle County Police Department
- Stipa, Theodore – Delaware State Police
- Wright, Ryan – Delaware State Police
- Zubrowski, Jonathan – Millsboro Police Department

The following completed the Master Certified Instructors Training on March 4 – March 8, 2019, which was hosted by the Delaware State Police and instructed by Major Sean Moriarty:

- D’Elia, Gregory – Newark Police Department
- Garnsey, Angela – Delaware State Police
- McCloskey, Patrick – University of Delaware Police Department
- Piser, John – New Castle County Police Department
- Reinbold, Kerry – Delaware State Police

Chairman Coupe entertained a motion to approve the aforementioned as Certified Instructors. Motion to approve by Mr. Irwin, and seconded by Mayor West. Motion carried without dissent.

VII. Certification of Officers:

1. 92nd Delaware State Police and 87th Municipal Police Recruit Class:

The following officers graduated the Delaware State Police Training Academy on February 14, 2019 as the 92nd Delaware State Police and 87th Municipal Police Recruit Class:

- Aberman, Michael – Delaware State Police (#5479)
- Campbell, Kyle – Delaware State Police (#5480)
- Enderle, Patrick – Delaware State Police (#5481)
- Hackney, Joshua – Delaware State Police (#5482)
- Kelleher, Kevin – Delaware State Police (#5483)
- Kim, SeunKu – Delaware State Police (#5484)
- Klink, Joseph – Delaware State Police (#5485)

- Link Jr., Richard – Delaware State Police (#5486)
- Lorenz, John – Delaware State Police (#5487)
- Martinez Jr., James – Delaware State Police (#5488)
- Moyer, Mitchell – Delaware State Police (#5489)
- Pendleton, Trevor – Delaware State Police (#5490)
- Raymond, Hunter – Delaware State Police (#5491)
- Salyer, Jodi – Delaware State Police (#5492)
- Schwartz, Douglas – Delaware State Police (#5493)
- Smith, Adam – Delaware State Police (#5494)
- Stimac, Anthony – Delaware State Police (#5495)
- Vincent, Thomas – Delaware State Police (#5496)
- Zebley-DeJoseph, Katlyn – Delaware State Police (#5497)
- Powell, Jamier – Camden Police Department (#5498)
- Vaughn, Gavin – Dewey Beach Police Department (#5499)
- Adkins III, William – Department of Natural Resources Police, Fish & Wildlife (#5500)
- Beutler, Tyler – Department of Natural Resources Police, Parks & Recreation (#5501)
- Lano, Michael – Department of Natural Resources Police, Fish & Wildlife (#5502)
- Passwaters Jr., Thomas – Department of Natural Resources Police, Fish & Wildlife (#5503)
- Smith, Connor – Department of Natural Resources Police, Parks & Recreation (#5504)
- Clancy, Brandyn – Dover Police Department (#5505)
- Larochelle, Strovenscolv – Dover Police Department (#5506)
- Slater, Kaitlyn – Dover Police Department (#5507)
- Vieira, Steven – Dover Police Department (#5508)
- Craft, Ryan – Delaware River and Bay Authority (#5509)
- Hader, Timothy – Delaware River and Bay Authority (#5510)
- Walker, Michael – Delaware River and Bay Authority (#5511)
- Nunez, Elizabeth – Georgetown Police Department (#5512)
- Badger, John – Milford Police Department (#5513)
- Ramos-Zavala, Marlon – Milford Police Department (#5514)
- Almonte, Jean – Newark Police Department (#5515)
- Klein, Paige – Newark Police Department (#5516)
- Cavallo, Linnea – Smyrna Police Department (#5517)
- Battles, Valerie – University of Delaware Police Department (#5518)
- Bartelt II, Paul – University of Delaware Police Department (#5519)
- Ceja-Zavala, Jenifer – University of Delaware Police Department (#5520)

Chairman Coupe entertained a motion to certify the aforementioned officers. Motion to certify by Mr. Horvath, and seconded by Chief Mailey. Motion carried without dissent.

2. Reciprocity

a. Crapps, Casey – Lewes Police Department (#5521)

The Lewes Police Department submitted training records and certifications for reciprocity from his previous position at Charleston Police Department (South Carolina) to C.O.P.T. Captain Griffin confirmed that Crapps meets all the requirements to be certified and has been working under provisional authority. Chairman Coupe entertained a motion to certify. Motion to certify by Mr. Irwin, and seconded by Secretary Bunting. Motion carried without dissent.

3. Reactivation of Certification

a. Petyo, Michael – Camden Police Department (#4519)

Petyo was a member of the 70th Municipal Police Recruit Class at the Delaware State Police Training Academy and has been most recently working at Greensboro Police Department, Maryland. Captain Griffin confirmed that Petyo meets all the requirements to be re-certified and has been working under provisional authority. Chairman Coupe entertained a motion to reactivate Petyo's certification. Motion to reactivate by Mr. Horvath, and seconded by Mr. Irwin. Motion carried with 11 in favor, and 1 opposed (Mayor Christiansen).

VIII. Old Business:

1. Regulation 801; Section 11.6 (Firearms Training; Minimum Rounds per Qualification):

Captain Griffin advised that there is apparent confusion with the wording of Regulation 11.6 as it relates to the amount of rounds that must be fired prior to qualification during Firearms Training. The intended interpretation is that agencies will require an additional fifty (50) rounds be fired for handgun and patrol rifle, and twenty (20) rounds for shotgun for proficiency training prior to each qualification round. Chief Collins (Selbyville Police Department) advised that some of the confusion is if this minimum is for both the day and night qualification, or just for the calendar day. Captain Griffin advised that she will work to have the wording clarified by the next C.O.P.T. Meeting with the Training Subcommittee.

Chief McLaughlin (Ocean View Police Department) offered commentary that the Law Enforcement Support Office (LESO) offers 200 rounds of ammunition, per officer, for free which can be requested through Mr. Douglas Scheer. Chairman Coupe advised that he would contact Mr. Scheer for clarification and notify agencies accordingly.

2. Regulation 802 (K-9 Policy)

Based upon the commentary at the January 22, 2019 C.O.P.T. Meeting, Regulation 802 has been revised to incorporate the specialty areas associated with the training of K-9s. A provision detailing non-apprehension, non-narcotics, and non-explosive K-9's was also added. Chairman Coupe thanked the Department of Natural Resources Police and advised this policy is now more inclusive of all the LE K9 teams in the state. Mr. Kilmer questioned whether the administering of first-aid to the K9, by their handler be included in the regulations. Chairman Coupe advised that this was talked about in the January 2019 Meeting and that it was decided that this should be in each agency's policy rather than in the C.O.P.T. Regulations.

Hearing no other questions, Chairman Coupe entertained a motion to approve Regulation 802. Motion to approve by Sgt. Jones, and seconded by Chief Mailey. Motion carried without dissent. Captain Griffin distributed a signature sheet for the Council members present to certify the motion.

3. Annual Survey (2018)

Captain Griffin advised that the 2018 Annual Survey was due on March 31, 2019 and there are still approximately nine (9) outstanding. It is requested that the surveys be completed by the end of next week in order to review and create a presentation for the next C.O.P.T. Meeting. She also stressed that the most up-to-date surveys sent out by C.O.P.T. are to be used and not the previous year's survey as there are yearly updates and different collection categories.

4. Sussex Technical High School – Seasonal Officer Program

Captain Griffin summarized the previous 2017 proposal that was submitted by Sussex Technical High School in order to incorporate Seasonal Police Officer Training with their curriculum. At the time, DAG Rae Mims drafted a Memorandum of Understanding in order to facilitate this request. Due to several changes in Sussex Tech High School administration in 2017, this issue was put on hold. Mr. Steven Rust was present to re-introduce the proposal. The purpose of the program would be to provide Seasonal Police Officer Training to interested Seniors of Sussex Technical High School in order to allow municipal agencies to hire the students without the need of training. There was an extended conversation regarding this proposal by several municipal agencies that were represented at the meeting, as well as by members of the Council. The question of liability and tracking was also brought up that this may cause for C.O.P.T. since the Council would be endorsing the training. Additionally, the agencies that were represented did not seem to indicate that this training would be used because they already use their own scheduled training and/or heavily exceed these hours. Another issue discussed was how students would be selected or trained, as they would need to provide agency specialized training anyway, Chairman Coupe recommended to table the topic until the next meeting to allow Captain Griffin the chance to poll the Sussex County municipal agencies and solicit their input.

IX. New Business:

1. Firearms Sponsorship

Captain Griffin advised that there is a need to put a time limit on Firearms Instructor sponsorships. During a recent Firearms Instructor survey to all agencies, numerous agencies advised they do not maintain or ensure that the firearms instructors that their agencies use to provide training, are up-to-date with C.O.P.T. requirements. Several agencies originally sponsored instructors when C.O.P.T. created the process but are no longer using them. So technically, they are not sponsored and should not be using their C.O.P.T. certification for civilian or for agencies they are not sponsored by. It appears that several agencies do not know of their sponsored Firearms Instructors due to a change in Chiefs and sponsoring officers, or the agencies are simply not using them any longer or a variety of reasons. The 2019 Annual Survey will include an area to document all Firearms Instructors that an agency utilizes in order to have accurate documentation of who is available to assist. Additionally, it is suggested that sponsorships only be valid on a yearly basis, and that chiefs will have to supply this information in the Annual Survey.

Chairman Coupe advised that he wanted to reiterate that C.O.P.T. is not responsible for retired officers (LEOSA 2004), and that if anyone should be receiving pressure from outside sources, that they are welcome to refer them to his office or Captain Griffin.

Chief McLaughlin (Ocean View Police Department) advised the Council that he hosts an annual firearms qualification for retired officers that attracts approximately 200 officers per year. Chief McLaughlin advised that he will provide the officer with a certificate that states that they successfully passed the qualification, which the officer then forwards to the certifying agency.

Chairman Coupe tasked DAG Handlon with evaluating liability for the C.O.P.T. to approve these firearm qualifications.

2. Agency Reimbursement (C.O.P.T. Standard 19.0)

Captain Griffin advised that it was brought to her attention that there is an issue with an inconsistency in agencies charging for reimbursement if an officer leaves their agency for employment with another before the two (2) year mark. Mr. Horvath suggested that the C.O.P.T. come up with a formula in order to determine these costs, so that there is no room for error or inconsistency. Additionally, there is concern for when the two (2) years begin once an officer is hired – start of the Academy, or upon graduation when they are sworn officers, and what should be included for reimbursement (uniforms, ammo, training equipment, salary, etc.)

Chairman Coupe advised that the Administrative Subcommittee should convene to discuss this issue and attempt to come up with some type of standard for reimbursement or see if it is covered somewhere else.

Mr. Horvath also advised that there is a concern that officers are accepting a verbal offer of employment from agencies that they wish to work for, then resigning their current agency, staying out of police work for a short period of time, and then starting employment with the new agency in order to avoid the reimbursement clause.

Chairman Coupe advised that this issue would require more discussion as it would cause a need for a change in the Delaware Code. For now, the C.O.P.T. does have authority if they become aware of an issue where an agency is not reimbursing, but the C.O.P.T. can only act upon complaints and issues that are provided. As of now, there have been no complaints filed regarding these issues.

3. House Bill 9 – Officer Wellness and Resiliency Training:

Chief Mailey advised that he asked for this item to be placed on the agenda because he became aware of a drafted “House Bill 9” that would dictate the need for Delaware police agencies to provide Officer Wellness and Resiliency Training, as well as the addition of a Sussex County “Police Commissioner” or “Mayor” member to the C.O.P.T.. Chief Mailey advised that the bill was written as though it had the support of Delaware Law Enforcement, when in fact, he was not aware of the existence of this draft until it was presented at the Delaware Police Chief’s Council meeting. Chairman Coupe along with others in attendance shared their disappointment that neither the C.O.P.T. nor the Delaware Police Chiefs Council were contacted on this bill. Captain Griffin advised that Sergeant Darren Lester, Delaware State Police Legislative Liaison, advised it appears that this bill has not been introduced yet. Chairman Coupe advised that C.O.P.T. would initiate contact with the drafters of this bill at Legislative to express concern on mandating additional training, and the addition of a C.O.P.T. board member. Chairman Coupe advised to date, that no one has approached the C.O.P.T. to add another seat.

4. Provisional Certification

Mr. Horvath asked if a terminated officer, who has received a recommendation to “not decertify” at a C.O.P.T. Decertification Hearing, be able to be provided a provisional certification by the C.O.P.T. Administrator until the hearing board recommendations are brought before the full Council for a final order/vote. Captain Griffin advised she would not be comfortable with this, nor is it her position to make a ruling prior to the full Council vote and final order.

X. Adjournment

Chairman Coupe entertained a motion to adjourn. Motion to adjourn at 1218 hours by Mayor Killmer, and seconded by Captain Smith. Motion carried unanimously, without dissent.

Next Meeting: Tuesday, July 23, 2019 at 1300 hours
Delaware State Police Training Academy

Pursuant to 29 Delaware Code, Section 10004(e)(2), the Council shall pre-announce all Executive Sessions; however, such agenda shall be subject to change to include additional items including Executive Sessions which arise at the time of the body's meeting.